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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,244	06/25/2004	Shizuo Iwasaki	Q82272	8919

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EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/500,244

Applicant(s)

IWASAKI, SHIZUO

Examiner

Steven D. Maki

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>062504, 042005</u> . | 6) <input type="checkbox"/> Other: ____.  |

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1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Japan 526 (one end opening sipes)

3) Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 526 (JP 2000-185526).

The claimed tire is anticipated by Japan 526's pneumatic radial tire having the tread as shown in figure 1. The claimed sipes read on sipes 72 and/or 73. The sipes 72,73 inherently cause the block to have a "shoulder side region" having a rigidity less than the rigidity of the "central side region".

4) Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 526 (JP 2000-185526).

Japan 526 substantially discloses the claimed invention, but does not recite the width of the unopened part being 5-15% of the block width. However, it would have been obvious to one of ordinary skill in the art to provide Japan 526's sipes 72, 73 such that the width of the unopened part is 5-15% of the block width since Japan 526 shows

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extending the one end opening sipes across most of the width of the block so as to leave an unopened part having a relatively small width.

Europe 397 (both end opening sipes)

5) Claims 1, 3, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Europe 397 (EP 333397).

The claimed tire is anticipated by Europe 397's radial tire having the tread as shown in figure 6 with the sipes having a depth as shown in figure 10. The difference in depth between portions S1 and S2 of the sipes inherently causes the block to have a "shoulder side region" having a rigidity less than the rigidity of the "center side region". Claim 9 does not require the shallow cut depth to have the claimed width of 5-40% of the block width.

6) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 397.

Europe 397 is discussed above. As to claim 9, it would have been obvious to one of ordinary skill in the art to provide the shallow cut depth with a width of 5-40% of the block width since Europe 397 teaches providing 100% or only a portion of the sipe with the deep depth to control ground contact pressure. See figures 8 and 10.

Caretta et al (smaller cut area for center side region)

7) Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caretta et al (US 5287905).

Caretta et al discloses a motor vehicle tire having a tread comprising circumferential grooves, transverse grooves and blocks with sipes. Since the sipes 11

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of the shoulder block rows are one end opening sipes, the shoulder side region rigidity is less than the center side region rigidity. Also see col. 3 lines 63-68. The claimed blocks read on Caretta et al's shoulder blocks. Caretta et al does not recite that the tire is a radial tire.

As to claim 1, it would have been obvious to one of ordinary skill in the art to provide Caretta et al's motor vehicle tire as a pneumatic radial tire since a pneumatic radial tire is a well known / conventional type of motor vehicle tire.

As to claims 4 and 5, the cut area of the sipe 11 is larger in the shoulder side region than the center side region since part 11c has a larger thickness. See figure 2. The claimed ratio of S2/S1 being 1.4 to 2.0 would have been obvious in view of (1) Caretta et al's teaching to provide the shoulder sipes 11 with thick part 11c and (2) Caretta et al's teaching that the sipes enhance elastic deformability of the blocks to restrict their sliding and thereby limit overall noisiness.

As to claim 6, Caretta et al's shoulder sipes 11 are one end opening sipes.

As to claim 7, it would have been obvious to provide Caretta et al's shoulder sipes 11 such that that the width of the unopened part is 5 to 15% of the block width since Caretta et al shows the sipes 11 as extending across most of the width of the block such that the unopened part has a relatively small width. See figure 2.

Japan 712 (four rows of blocks)

8) Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 712 (JP 62-241712).

Japan 712 discloses a pneumatic tire having a tread comprising three circumferential grooves, transverse grooves and blocks having sipes. In figure 8, the one end opening sipes only open to the shoulder side region of the block. Although figure 8 does not illustrate each block having sipes, Japan 712 teaches that each block has sipes. See page 4, 14 and 16 of translation. Since the sipes only open at shoulder side region in figure 8, the shoulder side region of the block has a rigidity less than the rigidity of the center side region of the block. Japan 712 does not recite that the tire is a radial tire. However, it would have been obvious to one of ordinary skill in the art to provide Japan 712's pneumatic tire as a pneumatic radial tire since a pneumatic radial tire is a well known / conventional type of pneumatic tire. As to claim 7, it would have been obvious to provide Japan 712's sipes such that the unopened part has a width of 5-15% of the block width since Japan 712 teaches extending the one end opening sipes across the block in order to improve traction.

#### Remarks

- 9) The remaining references are of interest.
- 10) No claim is allowed.
- 11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

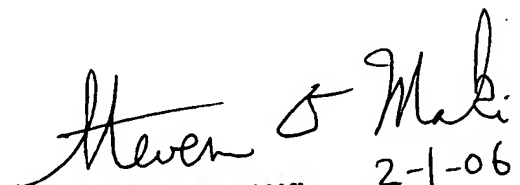
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki  
February 1, 2006

  
**STEVEN D. MAKI**  
**PRIMARY EXAMINER**  
2-1-06